



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/551,468

09/30/2005

Ove Nilsson

2582LN.ch

4444

21254

7590

04/01/2009

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

SCHATZ, CHRISTOPHER T

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

04/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,468	Applicant(s) NILSSON, OVE	
	Examiner CHRISTOPHER SCHATZ	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Drawings

1. The drawings were received on 12/16/2008. These drawings are NOT ACCEPTED.

The examiner acknowledges that the drawings show 25, 26. The applicant argues that one of ordinary skill in the art would understand these bracket as being similar to 19, 20. The brackets 25, 26 are in a different section of the apparatus that operates independently of the section which contains 19, 20. Thus, one of ordinary skill in the art would not understand the brackets 25, 26 to be similar to brackets 19, 20. Nonetheless, the applicant is still required to clearly show brackets 19, 20 in drawings. The drawing (figure 1) is so unclear that it is not possible to distinguish between the portion of the apparatus labeled 11, 12 and 19, 20. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Line 22 contains an apparent typographical error. It is recommended that the applicant replace "first second" with "first section". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19, and 20-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation “said plurality of wheels” in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. It is recommended that the applicant amend claim 19 such that it is dependent upon claim 3.

Claim 20 recites the limitation "during said applying of the material web, with the desired spaces between the edges of the applied material web" in the last two lines. There is insufficient antecedent basis for this limitation in the claim. It is recommended that the applicant amend the claim as follows: “during applying of a material web, with the desired spaces between edges of an applied material web.

Claim 21 recites the limitation "the wheels being rotated" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is recommended that the applicant amend the claim to state “a drive belt for rotating wheels upon which the cylindrical bodies rest, wherein said drive belt extends about the periphery of said wheels and to and around the drive pulley”.

5. Claim 22 recites “a plurality of wheels”. It is unclear if these are the wheels recited in claim 21 or a different set of wheels. Clarification is requested.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 9, 10, 11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al. (US 6231711).

As to claims 1 and 20,

Roberts discloses a unit for applying a material web to the bodies (unit for applying web 4 - figure 6); a conveyor (mandrel in figure 5) disposed to advance the cylindrical bodies in a longitudinal direction thereof, to, past and away from said unit for supplying a material web to the bodies (figure 4, column 5, lines 1-55), comprising: a first section 20, 21, 22 disposed to displace the cylindrical bodies in their longitudinal direction up to connecting an end of a preceding body (column 5, lines 9-23); a second section 23, 24 which is connected to the first section and operating independently of the first section (figure 3; column 5, lines 9-33). The cited sections of column 5 disclose that the bearing sleeve 25 allows the two sections to be *rotated relative to each other*. Thus each section is capable of operating independently of the other section. The reference further discloses that the second section is capable of positively rotating a cylindrical body about a longitudinal axis and displace a cylindrical body in a longitudinal direction during the applying of a web. Finally, the reference discloses the apparatus is capable

Art Unit: 1791

of wrapping a web with a desired spacing between the edges of an applied material web (column 6, lines 32-49).

As to claim 9, the reference discloses a knife capable of cutting an applied material web at an end of a body downstream of the applying unit during conveying (figure 7; column 8, line 62 – column 9, line 23). As to claim 11, Roberts recites an apparatus wherein a trailing wheel which is provided for abutment against the cylindrical body is flush with a point where the material web is applied to the cylindrical body. The reference meets the limitations of claim 20 for the reasons presented in the discussion of claim 1 above.

8. Claims 1-3, 5, 6, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 3322291).

As to claims 1 and 20 Smith discloses a unit for applying a material web to the bodies (unit for applying web 4 - figure 6); comprising:

a conveyor (figure 3) disposed to advance cylindrical bodies in a longitudinal direction thereof, to, past and away from said unit (figure 2) for supplying a material web to the bodies, comprising: a first section (defined by 38, 204, 34, and 63) disposed to displace the cylindrical bodies in their longitudinal direction up connecting an end of a preceding body (column 6, lines 23-24; column 7, line 47 - column 8, line 2).; a second section (63, 46, 36, 142) which is connected to the first section and operating independently of the first section (column 7, line 70 – column 8, line 2). Figure 3 shows that 34 and 36 are driven by two separate motors. Also, the speed of 34 is changed while keeping the speed of 36 constant. Thus, the two sections operate independently

Art Unit: 1791

of each other (column 9, lines 2-22). The reference further discloses that the second section is capable of positively rotating the cylindrical body about a longitudinal axis and displacing a cylindrical body in a longitudinal direction during the applying of a web. Finally, the reference discloses the apparatus is capable of wrapping a web with a desired spacing between the edges of an applied material web (figure 2).

As to claim 2, Smith discloses an apparatus wherein the first section is disposed to displace the bodies at a higher speed ahead of the unit for applying the material web (see above cited text). As to claim 3, Smith discloses an apparatus wherein each of the sections comprise first and second sides which comprise a plurality of wheels (any of 63, 142, other wheels located at areas 38) disposed on either side either of a body wherein said wheels are capable of being obliquely inclinable in relation to the longitudinal axis of the bodies for rotation and driving thereof towards, past and away from the unit for applying the material (figures 3, 6, 5, column 3, line 15 – column 4, line 72). As to claim 5, Smith discloses an apparatus wherein the wheels are arranged pairwise and are obliquely inclinable for regulating the advancement speed of the bodies (figures 3-6). As to claims 6 and 19, Smith discloses the wheel pairs in the first section are obliquely inclinable independently of the wheel pairs in the second section of the conveyor (column 3, lines 76-73). Note that the reference discloses that the cam plate 100 is removable in each section, and another cam plate can be independently placed in each section in order to vary the angle of the wheels.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 102(b) as anticipated by Roberts et al, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Roberts et al. in view of Smith.

Roberts discloses a method discussed above. While the reference does not explicitly recite the phrase "the first section is disposed to displace the bodies at a higher speed", the examiner asserts that the step of connecting the cylindrical bodies between the first and the second sections necessarily requires that the first conveyor section be capable of displacing the bodies at higher speed ahead of the unit for applying the material web.

If it is not taken that Roberts implicitly discloses the limitations of claim 2, the following rejection is set forth:

Roberts discloses an apparatus as discussed with respect to claim 1 above. It is unclear if Roberts discloses an apparatus wherein the first conveyor section is capable of displacing the bodies at a higher speed ahead of the unit capable of applying the material web. Smith discloses an apparatus as discussed above. Smith further discloses that it is well known in the art for an apparatus to convey a free cylindrical body at a higher speed in a first conveying section such that said cylindrical body connects to an end of another free cylindrical body downstream of said first section

Art Unit: 1791

(column 7, lines 54-58). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the first conveying section of Roberts such that said conveying section is capable of displacing a cylindrical body at a higher speed as is well-known in the art and taught by Smith.

11. Claims 3, 5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. as applied to claim 1 above, and further in view of Morain (US 3260390).

Roberts discloses an apparatus as discussed with respect to claim 1 above, and further discloses each conveying section having sides and wheels 40, 41 in each conveying section on either side of the cylindrical bodies (figure 4, 8). Roberts further discloses that said wheels are capable of rotation (column 6, lines 24-32). It is unclear if Roberts discloses that the wheels are obliquely inclinable to the longitudinal axis of the bodies and capable of driving a body to, past and away from the unit for applying the web. Morain discloses an apparatus for longitudinally conveying and rotating a cylindrical body, and further discloses wheels 11 that are capable of driving a body in a longitudinal direction wherein said wheels are obliquely inclinable toward a longitudinal axis of a cylindrical body (figures 1 and 2). Morain further discloses that obliquely inclinable wheels for longitudinally conveying cylindrical bodies provide more control during conveying and enable the apparatus to receive bodies of different diameters (column 3, lines 25-45). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Roberts such that the wheels are obliquely inclinable toward the longitudinal axis of a cylindrical body

Art Unit: 1791

as taught by Morain above. Furthermore, it would have been obvious to one of ordinary skill in the art to enable said obliquely inclinable wheels such that said wheels are capable of driving a cylindrical body. Such a modification to the apparatus of Roberts will achieve the advantages discussed above.

As to claim 5, figures 1 and 3 of Morain show such a claimed configuration. Roberts meet the limitations of claims 9-11 as discussed above.

12. Claims 3-5, 9-11 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. as applied to claims 1 and 20 above, and further in view of Magnusson et al. (US 3664531).

Roberts discloses an apparatus as discussed with respect to claim 1 above, and further discloses wheels as discussed above. It is unclear if Roberts discloses that the wheels are obliquely inclinable to the longitudinal axis of the bodies and capable of driving a body to, past and away from the unit for applying the web. Magnusson discloses an apparatus for longitudinally conveying and rotating a cylindrical body, and further discloses wheels 8 that are capable of driving a body in a longitudinal direction wherein said wheels are obliquely inclinable toward a longitudinal axis of a cylindrical body (figure; column 1, line 30 – column 2, line 21). Magnusson further discloses that obliquely inclinable wheels for longitudinally conveying cylindrical bodies allow the speed of the longitudinal and rotational movement to be varied over a wide range (column 1, lines 30-37; column 2, lines 9-14). One reading Roberts would readily recognize that an apparatus capable of varying longitudinal and rotational movement

Art Unit: 1791

over a wide range would allow the greater control over the wrapping of the web.

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Roberts such that the wheels are obliquely inclinable toward the longitudinal axis of a cylindrical body and capable of driving a cylindrical body as taught by Magnusson above.

As to claim 4, Magnusson discloses an apparatus further comprising a drive belt 7 and drive pulley, wherein said drive belt is capable of rotating said wheel and capable of supporting a body, said belt further extending around said pulley (figure). As to claim 5, Magnusson discloses an apparatus wherein the wheels are arranged pairwise and are obliquely inclinable pairwise for regulating the advancement speed of the bodies (figure).

Roberts discloses the limitations of claims 9-11 as discussed above.

As to claim 21, Magnusson discloses a driving belt and a drive pulley as discussed above, wherein wheels are rotated by said driving belt extended above the wheels periphery, where said cylindrical body is capable of resting on said wheel (see discussion of claim 4 above). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Roberts such that the conveyor further comprises a driving belt and driving pulley configured as discussed above and taught above by Magnusson as doing such enables the greater control over the wrapping and displacement of the cylindrical body. As to claims 22 and 23, Magnusson teaches obliquely inclined wheels as discussed above.

Art Unit: 1791

13. Claims 6, 19 and 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. as applied to claims 20-23 above, and further in view of Magnusson et al. (US 3664531) and Smith.

It is unclear if Roberts and Magnusson disclose an apparatus wherein the wheels in the first section of the conveyor are inclinable independently of the wheels in the section. Smith discloses such a limitation for the reasons presented in the discussion of claim 6 above. At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the conveyor of Roberts as modified by Magnusson such that the wheels in each section are independently obliquely inclinable as taught by Smith above as doing such allows independent control in each section.

14. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. as applied to claims 1 and 4 above, and further in view of Magnusson et al. (US 3664531) and Morian.

Roberts and Magnusson disclose the limitations of claims 1 and 4 as discussed above. Magnusson further discloses drive pulleys on a common shaft 3 on at least one side of the apparatus. It is unclear if the references disclose drive pulleys for wheels on a second side disposed on a common shaft. Morian discloses an apparatus for conveying a cylindrical body as discussed above. Morian further discloses the apparatus as having two sides (figure 2) wherein a first side and second side each have common shafts upon which said wheels are mounted, said common shaft being interconnected (figure 2 and 4). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus of Roberts as modified

Art Unit: 1791

by Magnusson such that drive pulleys on a second side of the apparatus are mounted on a common shaft and interconnected to the first common shaft because it is known to have two interconnected common shafts on each of the apparatus as taught by Magnusson above. Such a modification would enable the apparatus of Roberts as modified by Magnusson to drive the pulleys more efficiently because only one shaft is required to drive a plurality of pulleys on each side. As to claim 8, because it is known and advantageous to enable the apparatus to displace a cylindrical body faster in the first section than in second section, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have discrete common shafts in the first and second sections such that the apparatus is enabled to displace a cylindrical body at a faster speed in the first section than in the second section.

Response to Arguments

15. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection. With respect to applicant's arguments directed towards Roberts and Smith, these arguments are addressed above in the discussion as to why each reference meets the limitations of the amended claims.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 1791

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is 571-272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/
Examiner, Art Unit 1791

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791